



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

AURORA LOAN SERVICE LLC

Plaintiff,

vs.

AUDREY PARK, et al.,

Defendants.

CASE NO. CV 12-6464 UA (DUTYx)

ORDER SUMMARILY REMANDING  
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily, because it was removed improperly.

On July 27, 2012, Defendant Audrey Park, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover, because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

There is no basis for concluding that this unlawful detainer action could have been brought in federal court in the first place, in that Defendant does not competently allege facts supplying either diversity or federal question jurisdiction, and therefore, removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S.

1 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Whether or not complete diversity of  
2 citizenship exists, the amount in controversy does not exceed the diversity jurisdiction  
3 threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful  
4 detainer complaint expressly alleges that the amount demanded is "under \$10,000." Nor  
5 does Plaintiff's unlawful detainer action raise any federal legal question. *See* 28 U.S.C.  
6 §§ 1331, 1441(b).

7 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior  
8 Court of California, Ventura County, 3855-F Alamo Street, Simi Valley, CA 93063, for  
9 lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send  
10 a certified copy of this Order to the state court; and (3) that the Clerk serve copies of this  
11 Order on the parties.

12 IT IS SO ORDERED.

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14 DATED: August 2, 2012

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16 A.B. Collins  
17 AUDREY B. COLLINS  
18 CHIEF UNITED STATES DISTRICT JUDGE  
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